



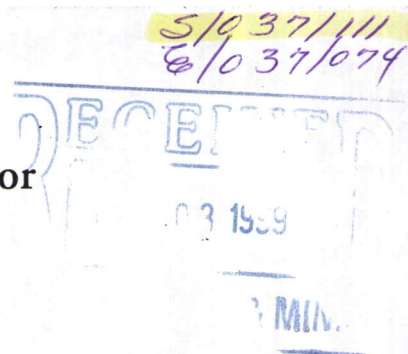
# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Monticello Field Office

P.O. Box 7

Monticello, Utah 84535



Mr. David Kimmerle  
222 South 100 East (85-4)  
Blanding, UT 84511

UTU-70998  
UTU-74614  
(UT-090)  
**FEB - 1 1999**

Re: Closure of Notice of Intention to Conduct Exploration UTU-70998 and related Notice of Noncompliance; and Acceptance of Notice of Intention to Commence Small Mining Operations UTU-74614, David Kimmerle, Cottonwood #4 Mine, South Cottonwood Wash, San Juan County, Utah.

Dear Mr. Kimmerle:

This letter addresses your most recent Notice of Intention to Commence Small Mining Operations at the Cottonwood #4 Mine in South Cottonwood Wash, San Juan County, Utah and two related matters which must be put to rest before we can consider your most recent Notice. The two related matters are: (1) Pending Notice of Intention to Conduct Exploration (UTU-70998), (2) Pending Notice of Noncompliance (NON).

## Pending Notice of Intention to Conduct Exploration (UTU-70998)

On September 20, 1990, you filed a Notice for the purpose of doing exploration drilling. This Notice is still pending because a number of exploration drill holes remain open or have only been temporarily capped. The holes were not plugged so that those holes could be "used during mining operations in the future". The area of those holes coincide with the East Fan and Compressor Area identified in your most recent Mining Notice. Since the two Notices overlap in this area and because you have indicated that those holes are needed for mining purposes, and in an effort to avoid future administrative confusion, we are hereby transferring the pending reclamation obligation under Exploration Notice (UTU-70998) to the new Mining Notice (UTU-74614). Exploration Notice UTU-70998 will be closed.

## Pending Notice of Noncompliance (NON)

The NON was issued to you on July 22, 1992, for failure to correct three deficient compliance items associated with your Exploration Notice (UTU-70998). On August 8, 1996, we received a letter from you which stated that all the items at issue in the NON had been corrected. Shortly thereafter, we conducted a field inspection and we determined that the work had been satisfactorily completed. However, we have no record showing that you were ever notified of our findings. Therefore, we hereby inform you that your remedial work is acceptable and this matter is closed. Sufficient time has lapsed since the remedial work was done so your record of noncompliance will be cleared.



Recent Notice of Intention to Commence Small Mining Operations (UTU-74614)

This Notice was received in our office on January 15, 1999. The Notice was assigned serial number UTU-74614. Please refer to this number in all future correspondence. We have completed our review of the Notice and determined that it meets the filing requirements of Bureau of Land Management (BLM) regulations at 43 CFR 3809 and 3710.

We find that your proposed use and occupancy of public lands is reasonably incident to mining. We have completed all necessary resource clearances (ie., archaeology, T&E, etc.) and determined that your operations, as proposed, would not cause unnecessary or undue degradation to public lands or resources. However, we feel we need to clarify your reclamation obligation in light of the variances you have requested from the Utah Division of Oil Gas and Mining (DOGM). Although it is agreed that operations would occur on areas which were disturbed by past mine operations, you will still have the responsibility to reclaim those previous mine features that are redisturbed by your operation. As discussed at your on-site meeting with Ted McDougall on March 12, 1998, the only exception to our standard reclamation practices would be the stockpiling of topsoil, since there is no topsoil available. Ted provided you with a map of the site showing all areas of re-disturbance (as proposed by you) which must be reclaimed and a report of your meeting describing your proposal as we understood it. That information should also help to clarify what will be required by BLM.

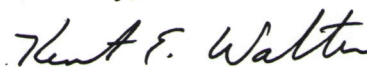
This letter acknowledges receipt and acceptance of the subject Notice. Acceptance of this Notice is contingent on adherence to all applicable laws and regulations of other Local, State, and Federal agencies having jurisdiction over this matter, including compliance with the requirements of the State of Utah Mined Land Reclamation Act administered by the DOGM. I would like to stress that Federal regulations at 43 CFR 3809 also require that you take reasonable measures to prevent unnecessary or undue degradation of the Federal lands during your operations. Acceptance of this notice will not now or in the future serve as a determination of the validity of any mining claim to which it may relate.

A copy of the Notice was forwarded to the DOGM, and to the Utah Division of Water Quality (DWQ). This was done according to Memorandums of Understanding between the respective agencies.

You must notify this office prior to final abandonment of the site so an inspection of reclamation can be made. If your operations extend for more than a year, please advise us of the status of your mining operation on the anniversary of your Notice.

If you have any questions, please contact Ted McDougall of my staff at (435) 587-1512.

Sincerely,



Kent E. Walter  
Field Manager

cc: Tony Gallegos, DOGM